

Message

From: Tomiak, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E43D67FE354A4D06BE80AFA6EB65E614-TOMIAK, ROB]
Sent: 5/17/2017 2:58:13 PM
To: Marshall, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d29134e5e32489b9ab0aeb262f55075-TMARSHAL]; Knight, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47fc4b0c90f94826a1d9a48381f4009f-Knight, Kel]
Subject: RE: NEPA Forecast

Looks fine;

Unrelated/Unresponsive

Thanks, Rob

From: Marshall, Tom
Sent: Wednesday, May 17, 2017 10:26 AM
To: Tomiak, Robert <tomiak.robert@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>
Subject: RE: NEPA Forecast

Deliberative Process / Ex. 5

Unrelated/Unresponsive

202.564.5549

From: Tomiak, Robert
Sent: Wednesday, May 17, 2017 9:13 AM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Marshall, Tom <marshall.tom@epa.gov>
Subject: RE: NEPA Forecast

Deliberative Process / Ex. 5

Rob

R9/Forest Service (USFS)/Record of Decision/ Rosemont Copper Mine/ **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

- **Background:** The Final EIS evaluates a proposed new, 4,800 acre open-pit copper and molybdenum mine to be constructed mostly on USFS National Forest Land southwest of Tucson.
- **EPA Involvement:** In 2011, EPA rated the Draft EIS as "EU-3" (Environmentally Unsatisfactory – Inadequate Information) based on the degradation of aquatic habitat, Clean Water Act Section 404 compliance, significant air quality impacts, and impacts to tribal and cultural resources, biological resources, and human health. Upon review of the 2013 Final EIS, EPA determined that the issues underlying its "EU" rating have not been resolved, and notified USFS and the White House Council on Environmental Quality (CEQ) that the project was a **Deliberative Process / Ex. 5** candidate for referral. Then, pursuant to

an EPA request, the USFS extended the referral deadline to allow time for an interagency process to seek resolution of the outstanding issues, and for the Corps Section 404 permit decision to inform any referral decision. Between early 2014 and mid-2016, CEQ facilitated interagency discussions toward this end. Those calls ended as all parties awaited a permit decision by the Corps of Engineers.

- **Status:** The Corps Division is still in the process of reviewing the Corps District's July 2016 recommended draft denial of the CWA 404 permit. The draft permit denial was based on determinations that the proposed Rosemont Mine will cause or contribute to violations of state water quality standards and significant degradation of waters of the US. On May 8, 20017, the USFS published a Federal Register Notice to advise the public that that the Coronado National Forest Supervisor is expected to sign the Record of Decision (ROD) in early June. EPA R9 in consultation with OECA has decided not to Deliberative Process / Ex. 5 a response to the ROD notice or the final EIS, and does not intend to provide a recommendation to the Administrator to refer the project to CEQ based on the ROD.

Unrelated/Unresponsive

Cc: Marshall, Tom <marshall.tom@epa.gov>

Subject: RE: NEPA Forecast

Ok. But we did send it out to the regions for review/revisions prior to sending it to you.

From: Tomiak, Robert
Sent: Wednesday, May 17, 2017 7:50 AM
To: Knight, Kelly <knight.kelly@epa.gov>
Cc: Marshall, Tom <marshall.tom@epa.gov>
Subject: RE: NEPA Forecast

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks, Rob

- **Background:** The Final EIS evaluates a proposed new, 4,800 acre open-pit copper and molybdenum mine to be constructed mostly on USFS National Forest Land southwest of Tucson.
- **EPA Involvement:** EPA rated the Draft EIS as "EU-3" (Environmentally Unsatisfactory – Inadequate Information) based on the degradation of aquatic habitat, Clean Water Act Section 404 compliance, significant air quality impacts, and impacts to tribal and cultural resources, biological resources, and human health. Upon review of the Final EIS, EPA determined that the issues underlying its "EU" rating have not been resolved, and notified USFS and the White House Council on Environmental Quality (CEQ) that the project remains a candidate for referral. Then, pursuant to an EPA request, the USFS extended the referral deadline to allow time for an interagency process to seek resolution of the outstanding issues, and for the Corps Section 404 permit decision to inform any referral decision. Between early 2014 and mid-2016, CEQ facilitated interagency discussions toward this end. Those calls ended as all parties awaited a permit decision by the Corps of Engineers.
- **Status:** The Corps Division is in the process of reviewing the District's July 2016 recommended draft denial of the CWA 404 permit. The draft permit denial was based on determinations that the proposed Rosemont Mine will cause or contribute to violations of state water quality standards and significant degradation of waters of the US. On May 8, 2017, the USFS published a Federal Register Notice to advise the public that the Coronado National Forest Supervisor is expected to sign the Record of Decision in early June. EPA will not be sending a response to that notice.

From: Knight, Kelly
Sent: Wednesday, May 17, 2017 7:33 AM
To: Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Marshall, Tom <marshall.tom@epa.gov>
Subject: NEPA Forecast

Rob,

Not much has changed since the last report. Only things: sentence indicating we will not be sending a letter for Rosemont and sentence [REDACTED] **Unrelated/Unresponsive** [REDACTED]. Therefore, I don't think we have a ton to talk about during the NCD meeting today.

Unrelated/Unresponsive

R,
Kelly

Kelly Knight
Director, NEPA Compliance Division
Environmental Protection Agency
202-564-2141 (office)
202-594-6391 (cell)